AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. (original): An *in vitro* toxicity assay comprising:

    a) exposing a spheroid sample to a selected concentration of a compound to be assayed;

    b) incubating the spheroid sample for a suitable period of time; and

    c) observing if spheroid cell spreading inhibition takes place.

2. (original): An *in vitro* toxicity assay according to claim 1, wherein spheroid cell spreading inhibition indicates that, at the selected concentration, the compound has a toxic effect on the spheroid cell.

3. (original): An *in vitro* toxicity assay according to claim 1 or claim 2, wherein the spheroid cell is derived from cells selected from the group consisting of neuronal cells, liver cells and retinal cells.

4. (currently amended): An *in vitro* assay according to ~~any preceding claim~~ claim 1 or claim 2, wherein the spheroid sample is derived from a mammalian cell.

5. (original): An *in vitro* toxicity assay according to claim 4, wherein the mammalian cell is a human, rodent, or porcine cell.

6. (original): An *in vitro* toxicity assay according to claim 4, wherein the mammalian cell is a non-human primate or dog cell.

7. (currently amended): An *in vitro* toxicity assay according to ~~any one of claims 1 to 3~~ claim 1 or claim 2, wherein the spheroid sample is derived from a fish cell.

8. (currently amended): An *in vitro* toxicity assay according to ~~any preceding claim,~~ claim 1 or claim 2, wherein the spheroid cell is derived from a cultured cell line.

9. (currently amended): An *in vitro* toxicity assay according to ~~any preceding claim,~~ claim 1 or claim 2, wherein the spheroid sample comprises more ~~then~~ than one cell type.

10. (new): An *in vitro* assay according to claim 3, wherein the spheroid sample is derived from a mammalian cell.

11. (new): An *in vitro* toxicity assay according to claim 10, wherein the mammalian cell is a human, rodent, or porcine cell.

12. (new): An *in vitro* toxicity assay according to claim 10, wherein the mammalian cell is a non-human primate or dog cell.

13. (new): An *in vitro* toxicity assay according to claim 3, wherein the spheroid sample is derived from a fish cell.

14. (new): An *in vitro* toxicity assay according to claim 3, wherein the spheroid cell is derived from a cultured cell line.

15. (new): An *in vitro* toxicity assay according to claim 4, wherein the spheroid cell is derived from a cultured cell line.

16. (new): An *in vitro* toxicity assay according to claim 3, wherein the spheroid sample comprises more than one cell type.

17. (new): An *in vitro* toxicity assay according to claim 4, wherein the spheroid sample comprises more than one cell type.